



CASES AND MATERIALS ON TRUSTS

2002 - 03

Compiled by Professor Ralph Scane
With 2002-03 additions by
Professor Tony Duggan

VOLUME II

**TRUSTS ARISING BY OPERATION OF LAW:
ASPECTS OF ADMINISTRATION OF TRUSTS**

ROSA LACON LIA LIBRARY
JAN - 6 2003
FACULTY OF LAW
UNIVERSITY OF TORONTO

CASES AND MATERIALS ON TRUSTS

2002 - 03

Compiled by Professor Ralph Scane
With 2002-03 additions by
Professor Tony Duggan

VOLUME II

**TRUSTS ARISING BY OPERATION OF LAW:
ASPECTS OF ADMINISTRATION OF TRUSTS**



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

<https://archive.org/details/casesmaterialson02scan>

TRUSTS

TABLE OF CONTENTS: VOLUME 2

2002 - 2003

PART IV - TRUSTS ARISING BY OPERATION OF LAW

CHAPTER 10 - RESULTING TRUSTS ARISING OUT OF THE FAILURE OF EXPRESS TRUSTS

In Re the Trusts of the Abbott Fund, [1900] 2 Ch. 326	10-1
Re Gillingham Bus Disaster Fund, [1958] Ch. 300	10-4
<u>Trustee Act</u> , R.S.N.S. 1989, c. 479	10-8
O.L.R.C., Draft Trustee Act, ss. 76 and 77	10-9
Re Osaba, [1979] 1 W.L.R. 247 (C.A.)	10-10
Hancock v. Watson, [1902] A.C. 14 (H.L.)	10-16
Barclays Bank Ltd. v. Quistclose Investments Ltd., [1970] A.C. 567	10-20
Twinsectra Ltd. v. Yardley and others, [2002] UKHL 12	10-25

CHAPTER 11 - PURCHASE MONEY AND VOLUNTARY CONVEYANCE RESULTING TRUSTS

Dewar v. Dewar, [1975] 1 W.L.R. 1532	11-1
Neazor v. Hoyle (1962), 32 D.L.R. (2d) 131 (Alta. C.A.)	11-6
Standing v. Bowring (1985), 31 Ch. 282 (C.A.)	11-8
Clemens v. Clemens Estate, [1956] S.C.R. 286	11-10
<u>Family Law Act</u> , R.S.O. 1990, c. F.3., s.14	11-16
Cho Ki Yau Trust (Trustees of) v. Yau Estate	11-17
Goodfriend v. Goodfriend, [1972] S.C.R. 640	11-23
Maysels v. Maysels (1974), 45 D.L.R. (3d) 337 (C.A.)	11-29
NOTE: Maysels v. Maysels (1975) 19 R.F.L.256n (S.C.C.)	11-35
Tinsley v. Milligan, [1993] 3 W.L.R. 126	11-36
Nelson v. Nelson (1995), 184 CLR 538 (H.C.Aust.)	11-49
Tribe v. Tribe, [1996] Ch. 107 (C.A.)	11-61

CHAPTER 12 - THE REMEDIAL CONSTRUCTIVE TRUST BASED UPON UNJUST ENRICHMENT

Pettkus v. Becker (1980), 117 D.L.R. (3rd) 257 (S.C.C.)	12-1
Sorochan V. Sorochan (1986), 29 D.L.R. (4th) 1 (S.C.C.)	12-14
Rawluk v. Rawluk (1990), 23 R.F.L. (3d) 337 (S.C.C.)	12-23
Peter v. Beblow (1993), 101 D.L.R. (4th) 621 (S.C.C.)	12-47
Soulos v. Korkontzilas, [1997] 2 S.C.R. 217	12-69

PART V - SOME ASPECTS OF THE TRUSTEE'S POSITION

CHAPTER 13 - THE TRUSTEE AS A FIDUCIARY - LOYALTY TO THE BENEFICIARIES

Keech v. Sandford (1726), 25 E.R. 223	13-1
National Trust Co. v. Osadchuk, [1943] S.C.R. 89	13-1
Holder v. Holder, [1968] Ch. 253	13-5
Re Hourigan (1983), 14 E.T.R. 90	13-15
Crocker and Croquip Ltd., v. Tornroos, [1957] S.C.R. 151	13-17
Boardman v. Phipps, [1967] 2 A.C. 46 (H.L.)	13-23
Peso Silver Mines Ltd. v. Cropper, [1966] S.C.R. 673	13-45
Canadian Aero Services Ltd. v. O'Malley, [1974] S.C.R. 592	13-53
LAC Minerals Ltd. v. International Corona Resources Ltd. (1989), 61 D.L.R. (4th) 14 (S.C.C.)	13-69
Hodgkinson v. Simms (1995), 161 D.L.R. (4th) 161 (S.C.C.)	13-93
Bristol & West Building Society v. Mothew, [1997] 2 W.L.R. 436	13-125
Pilmer v. The Duke Group Ltd. (in liq), [2001] HCA 31	13-137

CHAPTER 14 - CONTROLLING THE TRUSTEE'S DISCRETION

Re Brockbank, [1948]; 1 Ch. 206	14-1
Tempest v. Lord Camoys (1982), 21 Ch. D. 571	14-5
Klug v. Klug, [1918] 2 Ch. 67	14-6
Re Schipper and Guaranty Trust Co. of Canada (1989), 69 O.R. (2d) 386	14-8
Re Wright (1976), 14 O.R. (2d) 698	14-10
Fales v. Canada Permanent Trust Co. (1976), 70 D.L.R. (3d) 257 (S.C.C.)	14-16
Re Blow (1977), 18 O.R. (2d) 516	14-29
Hinton v. Canada Permanent Trust Co., (1979), 5 E.T.R. 117	14-36
Fox v. Fox Estate (1995), 5 E.T.R. (2d) 174	14-41
O.L.R.C., "Draft Trustee Act", ss. 4, 7 and 16	14-49
Turner v. Turner, [1984] 1 Ch. 101	14-49
Re Dick, [1953] 1 Ch. 343	14-55